

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRIAN PLASKON,

Plaintiff,

v.

PUBLIC HOSPITAL DISTRICT NO. 1 OF  
KING COUNTY d/b/a VALLEY MEDICAL  
CENTER, *et al.*,

Defendants.

Case No. C06-0367RSL

ORDER DENYING PLAINTIFF'S  
REQUEST FOR AN EXTENSION

This matter comes before the Court on plaintiff's October 22, 2007 letter to the Court (Dkt. #33). On June 18, 2007, the Court granted plaintiff's counsel's motion to withdraw, and plaintiff is now proceeding *pro se*.

In his letter, plaintiff requests additional time to respond to defendants' pending motion for summary judgment, noted for November 2, 2007, to allow him time to obtain other counsel. Plaintiff, however, has not filed his request as a motion, despite the fact that the Court denied his prior request for an extension in part because "all requests for relief from the Court must be contained in a motion that complies with Local Rule 7. Plaintiff's letter is not a motion, and he did not serve it on defendants." (Dkt. #27, denying plaintiff's request to suspend the case schedule). Despite the Court's prior clear statement, plaintiff's current request does not comply

1 with the Local Rules in any respect. It is not a motion, and plaintiff did not serve it on  
2 defendants.

3 Even if the letter complied with the Local Rules, the Court would deny the request.  
4 Plaintiff's counsel withdrew nearly five months ago, so plaintiff has had ample time to obtain  
5 other counsel but has been unable to do so. There is no indication that he will be able to obtain  
6 counsel if granted the thirty-day extension he seeks.

7 Plaintiff also argues that he needs additional time to obtain "affidavits from out of state  
8 witnesses." To obtain a Fed. R. Civ. P. 56(f) continuance, a plaintiff must make "(a) a timely  
9 application which (b) specifically identifies (c) relevant information, (d) where there is some  
10 basis for believing that the information sought actually exists." See Employers Teamsters Local  
11 Nos. 175 & 505 Pension Trust Fund v. Clorox Co., 353 F.3d 1125, 1129 (9th Cir. 2004)  
12 (internal quotation and citation omitted). The burden is on the party seeking additional  
13 discovery to proffer sufficient facts to show that the evidence sought exists, and that it would  
14 prevent summary judgment. Id. at 1129-1130. Plaintiff's vague reference to "out of state  
15 witnesses," without stating who they are or what they will say, is insufficient. Finally, although  
16 plaintiff is proceeding *pro se*, he is both a physician and a licensed attorney. He appears fully  
17 capable of representing himself.

18 For all of the foregoing reasons, plaintiff's request for an extension (Dkt. #33) is  
19 DENIED.

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21 DATED this 14th day of November, 2007.

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24 Robert S. Lasnik  
25 United States District Judge  
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